RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions:

I. Claims 19, 21-27, 35-38, 40, 42, 44, 45, 47, 49, 51, 55, 57, 59-62, 66, 67, 70, 72, 74, 76, 78 and 80 drawn to a cosmetic or dermatological composition comprising one or more fatty acids, one or more fatty alcohols, at least one of an amphiphilic polymer, an associative polymer and a siloxane elastomer, at least one of sodium hydroxide and potassium hydroxide, one or more polyethoxylated fatty acid esters, and at least one of a pigment and a dye, classified in class 424, subclass 63.

II. Claims 20, 28-34, 39, 41, 43, 48, 50, 52, 56, 58, 63-65, 68, 69, 71, 73, 75, 77, 79 and 81 drawn to a cosmetic or dermatological composition comprising one or more fatty acids, one or more fatty alcohols, at least one of an amphiphilic polymer, an associative polymer and a siloxane elastomer, at least one of sodium hydroxide and potassium hydroxide, one or more polyethoxylated fatty acid esters, and at least one of a pigment and a dye, classified in class 424, subclass 63.

III. Claims 53 and 54 drawn to a composition comprising at least one of stearic acid and palmitic acid, at least one of cetyl alcohol, behenyl alcohol, stearyl alcohol and cetearyl alcohol, at least one of dimethicone/vinyl dimethicone crosspolymer, etc., sodium hydroxide, at least one of PEG-20 sterarate, etc., at least one steareth-2, laureth-4 and ceteth-3, and at least one of a pigment and a dye, classified in class 424, subclass 63.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect, with traverse the invention set forth in **claims 19, 21-27, 35-38, 40, 42, 44, 45, 47, 49, 51, 55, 57, 59-62, 66, 67, 70, 72, 74, 76, 78 and 80** (Invention **I** as identified in the Restriction Requirement).

TRAVERSE

Applicants respectfully submit that a restriction requirement is inappropriate in this case. Even if one were to assume, *arguendo*, that the inventions of Groups I to III are distinct, the requirement for restriction should be withdrawn, because there is no serious burden.

In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. § 121. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants note that inventions I to III identified in the Restriction Requirement all relate to a cosmetic or dermatological composition which comprise substantially the same classes of components. That these compositions are very similar is evidenced by the fact that they are all classified in the same class and subclass. Accordingly, as a practical matter, the searches for inventions I to III should significantly overlap, if not be substantially coextensive. For example, a search for invention I should cover many areas that are also relevant for invention II.

Further, the composition of claim 53 is merely a species of the composition of claim 19 (note that claim 53 is dependent from claim 19). The same applies to the composition of claim 54 with

respect to the composition of claim 20. Thus, the burden would clearly not be serious if all three inventions I to III were searched and examined at the same time.

For the above reasons alone, the Restriction Requirement should be withdrawn, which action is respectfully requested.

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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